

EXHIBIT 57
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SB 235

AD

ROBERT BAKKO DMIN; LCPC; PC
NORTHWEST COUNSELING CENTER
1537 AVENUE D; SUITE 320
BILLINGS, MONTANA 59102
406-259-6161 OR FAX: 406-259-5588

Counseling - Group Counseling - Evaluations & Assessments

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Business & Labor Committee
Montana House of Representatives

Regarding: Support of SB235

Dear Representative Mike Milburn,

My name is Dr. Bob Bakko; I have been practicing clinical counseling since 1975 and licensed as an LCPC since 1986. I am listed as an expert witness with the Montana Public Defenders Commission and provide for the courts Psychological Evaluations pertaining to sexual offenders, domestic batterers and child custody evaluations. My work has been recognized by all levels of the courts for over thirty years. I also evaluate and assess individuals coming to me for individual and or marriage counseling for clinical pathological symptomology. I have been associated with Northwest Counseling Center LLC since 1985. I have also been instrumental in drafting and introducing all laws presented to your body of the legislature representing the Montana Licensed Clinical Professional Counselors and the 800 LCPC's we represent.

I am asking for your support of SB235 to correct an amendment made by the psychologists to their law in 2005 to intentionally restrict, regulate and prohibit the use of the terms psychological, psychologic, etc by any other entity, but them. I might add, in testimony when SB235 was introduced in the Senate Michael Butz PhD was asked directly by Senator Roy Brown why was this amendment introduced in 2005; he and the others could not answer Chairman Brown. This amendment was passed in direct conflict with existing LCPC and LCSW law. Unfortunately, we all missed this amendment in 2005 and thus did not dispute it until 2007 when the Board of Psychologists actually began serving "Cease and Desist Orders" to LCPC's and LCSW's for using these terms to "describe" their work. These Orders created tremendous cost and loss to those affected.

For the record, LCPC's and LCSW's have been licensed to administer, score and interpret testing since 1986; we have regularly provided these services to our clients. The psychologists cannot change by law the fact that we do this important work. They do want to restrict and regulate who can use these general terms to describe what we are already licensed to do i.e. conflict of two laws LCPC's and LCSW's. The Montana Psychological Association and APA do not in any way govern or regulate what we are trained and licensed to perform Nationally or at a State level. LCPC's are governed by the Board of Social Work Examiners & Professional Counselors, the American Mental Health Counselors Association and the American Counselors Association; MLCPCA is the Montana Chapter. We are bound by our own law and Codes of Ethics which allow for and promote the use of psychological testing by qualified individuals. Important Facts:

- ▶ "Rural Access"- Montana presently has 795 LCPC's, 433 LCSW's and only 196 Psychologists. LCPC's and LCSW's serve Montana communities by a ratio of 4 to 1. In fact, 92% of the mental services in "rural areas" are provided by LCPC's and LCSW's and 84% of the services in urban areas. This law prohibits clients from accessing appropriate services for psychological testing, evaluations and assessments.
- ▶ "Military"- Veteran's returning from Iraq and Afghanistan with PTSD and or other symptomology have fewer services available and there is a shortage of mental health care for them in rural and urban areas. Correcting this law is necessary to expand the appropriate care for our returning Vets.
- ▶ "No Board Complaints"- 1986- present there have been no specific complaints by consumers involving an LCPC or LCSW to our Licensure Board regarding psychological testing.
- ▶ "Legal Pre-ident"-1996 State of Ohio Attorney General Opinion made clear in its brief that use of the terms psychological, psychologic, etc is not regulated, governed or controlled by psychologists and those licensed by other bodies can use the terms as long as they do not

display the title psychologist. The psychologists DO NOT HAVE PROPRIATARY RIGHTS TO THE TERMS.

► "Legal Pres-ident"- Indiana State Legislature "repealed" Indiana Law in 2007 which had previously allowed psychologist's sole use of 2000 psychological tests. The Indiana Legislature clearly stated the psychologists DO NOT OWN or REGULATE WHO CAN OR CANNOT USE PSYCHOLOGICAL TESTS. They also added that the psychologists can no longer come before their legislative body on this issue.

► "Qualification Issue"- The psychologists will state in testimony, as they unsuccessfully attempted in the Senate, that their qualifications received in their graduate training is the "only" qualifier to administer, score and interpret objective, subjective, intelligence testing. They will provide testimony that the graduate training to prepare LCPC's and LCSW's does not include extensive course work on testing. This is partially true; most graduate programs do include an overview of psychological testing: theory, application and interpretation. WHAT THEY DON'T WANT YOU TO KNOW IS THAT FOR THE PAST TWENTY YEARS THE TEST PUBLISHERS THEMSELVES "OPENED THE DOOR" FOR OVER 100,000 LICENSED MASTERS LEVEL AND HIGHER TO OBTAIN QUALIFICATION AND OR CERTIFICATION VIA POST GRADUATION TO ADMINSTER AND INTERPRET PSYCHOLOGICAL TESTING. The psychologists of course have not favored this because of their entitlement position but they have absolutely no control or regulation over this important issue. FACT: There course work covers only a small number of commonly used tests in comparison to 2000 tests. They have to obtain additional training post graduation as well.

I appreciate the opportunity to present this important information and invite any questions you may have.

Respectfully,


Dr. Bob Bakko LCPC
Public Policy & Legislative Committee
Montana Licensed Clinical Professional Counselors